

REMARKS

Claims 1–4, 7–12, 14, 16–21, 23, and 25–33 are now pending in the application. Claims 1 and 28 have been amended. Claim 6 has been cancelled. Applicants respectfully traverse and request reconsideration.

Rejection under 35 U.S.C. § 112

Claims 1–4, 7–12, 14, 16–21, 23, and 25–33 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. More specifically, the Examiner contends that the terms “operable to”, “operably”, and “operatively” allegedly render the claims indefinite because the terms allegedly provide a possibility of operation.

In *Innova/Pure Water Inc. v. Safari Water Filtration Sys. Inc.*, 381 F.3d 1111, 1117-20, 72 USPQ2d 1001, 1006-08 (Fed. Cir. 2004), the Federal Circuit noted that the claim term “operatively connected” is “a general descriptive claim term frequently used in patent drafting to reflect a functional relationship between claimed components,” that is, the term “means the claimed components must be connected in a way to perform a designated function.” Therefore, at least according to the Federal Circuit, the term “operatively connected” is definite under 35 U.S.C. §112, second paragraph.

Similarly, the terms “operable to”, “operative to”, “operably” and the like are general descriptive claim terms frequently used in patent drafting to reflect operation of a component of the claim and are therefore definite under 35 U.S.C. §112, second paragraph. Applicants are unaware of any case law to the contrary and invite the Examiner to cite any applicable case law if the rejection is maintained.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1–4, 7–12, 14, 16–21, 23, and 25–33.

Rejection under 35 U.S.C. § 102

Claims 1–4, 7–12, 14, 16–21, 23, and 25–33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by MacInnis et al (U.S. Pat. No. 6,501,480).

As best understood by Applicants, MacInnis et al. disclose a graphics display system that processes analog video input, digital video input, and graphics input. The system incorporates a graphics accelerator that includes memory for graphics data. The accelerator preferably includes a coprocessor for performing vector type operations on a plurality of components of one pixel of the graphics data. The accelerator also includes an expanded instruction set for storing and loading data.

With regard to claim 1, MacInnis et al. fail to show, teach, or suggest, inter alia, wherein the blending module comprises a first mixing module and a second mixing module, wherein the first mixing module is operable to blend at least two of the corresponding image layers to produce the intermediate blended image, and wherein the second mixing module is operable to blend the foremost graphics image layer with the intermediate blended image. The Examiner cites Fig. 2, Nos. 52 and 60 as disclosing a first mixing module and a second mixing module, wherein the first mixing module is operable to blend at least two of the corresponding image layers to produce the intermediate blended image, and wherein the second mixing module is operable to blend the foremost graphics image layer with the intermediate blended image. More specifically, the Examiner contends that the video scaler 52 of MacInnis et al. corresponds to the first mixing module and the video compositor 60 of MacInnis et al. corresponds to the second mixing module. However, the video scaler 52 does not blend at least two of the corresponding image layers to produce the intermediate blended image as required by claim 1. Rather the video

scaler 52 performs downscaling and upscaling of digital video and analog video as needed. For example, in the preferred embodiment, scale factors may be adjusted continuously from a scale factor of much less than one to a scale factor of four. (See col. 4, lines 30-34) Therefore, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-4 and 7-11 each ultimately depend on claim 1 and are allowable for at least similar reasons. Claims 2-4 and 7-11 are also believed to be allowable for having novel and non-obvious subject matter. Therefore, reconsideration and withdrawal of the rejection of claims 2-4 and 7-11 is respectfully requested.

With regard to claim 28, MacInnis et al. fail to show, teach, or suggest, inter alia, a third video graphics pipeline operable to produce a third graphics image layer based on corresponding graphics image data from the at least one frame buffer. The Examiner cites Fig. 4, Nos. 80, 82 and col. 43, line 63 - col. 44, line 7 as disclosing a plurality of video graphics pipelines. However, these portions merely disclose two pipelines, one video pipeline and one graphics pipeline. As disclosed in MacInnis et al., the graphics display system is capable of processing an analog video signal, a digital video signal and graphics data simultaneously. The analog and digital video signals are processed in the video display pipeline (the first pipeline). The graphics data is processed in the graphics display pipeline (the second pipeline). Even if, as suggested by the Examiner, the first and second video graphic pipelines of claim 28 are equivalent to the video pipeline and the graphics pipeline in MacInnis et al., MacInnis et al. still fail to show, teach, or suggest a third video graphics pipeline as required by claim 28.

In addition, MacInnis et al. fail to show, teach, or suggest, inter alia, a blending module operable to blend the first and second image layers to generate an intermediate blended image and a second blending module operable to blend the intermediate blended image with the third

graphics image layer to produce an output image such that the graphics image layer has a foremost position in the output image. As best identified by Applicants, the Examiner cites Fig. 3, No. 58 and col. 44, line 35 as disclosing a blending module operable to blend the first and second image layers to generate an intermediate blended image. However, the Examiner and MacInnis et al. are silent as to disclosing a second blending module operable to blend the intermediate blended image with the third graphics image layer to produce an output image such that the graphics image layer has a foremost position in the output image as required by claim 28. Therefore, reconsideration and withdrawal of the rejection of claim 28 is respectfully requested.

Claim 33 is allowable for at least similar reasons as claim 28. Therefore, reconsideration and withdrawal of the rejection of claim 33 is respectfully requested.

Claims 29-32 each ultimately depend on claim 28 and are allowable for at least similar reasons. Claims 29-32 are also believed to be allowable for having novel and non-obvious subject matter. Therefore, reconsideration and withdrawal of the rejection of claims 29-32 is respectfully requested.

With regard to claim 12, MacInnis et al. fail to show, teach, or suggest, inter alia, a hardware cursor pipeline operable to process a cursor image. The Examiner cites col. 4, line 59 as disclosing a hardware cursor pipeline operable to process a cursor image. However, this portion merely discloses that the graphics display system processes graphics data using logical windows, also referred to as viewports, surfaces, sprites, or canvasses, that may overlap or cover one another with arbitrary spatial relationships. The windows may consist of any combination of image content, including anti-aliased text and graphics, patterns, GIF images, JPEG images, live video from MPEG or analog video, three dimensional graphics, cursors or pointers, control panels, menus, tickers, or any other content, all or some of which may be animated. Applicants

can find no mention of a hardware cursor pipeline operable to process a cursor image in the cited portions of MacInnis et al. Therefore, reconsideration and withdrawal of the rejection of claim 12 is respectfully requested.

Claims 14, 16-21, 23, 25-27 are allowable for at least similar reasons as claim 12. Claims 14, 16-21, 23, 25-27 are also believed to be allowable for having novel and non-obvious subject matter. Therefore, reconsideration and withdrawal of the rejection of claims 14, 16-21, 23, 25-27 is respectfully requested.

Conclusion

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (312) 609-7599.

Respectfully submitted,

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